

**BEFORE THE KANSAS WORKERS COMPENSATION BOARD**

<b>MULKI M. ISSE</b>	)	
Claimant	)	
v.	)	
<b>NATIONAL BEEF PACKING COMPANY</b>	)	Docket Nos. 1,060,802
Respondent	)	& 1,061,581
and	)	
<b>ZURICH AMERICAN INSURANCE COMPANY</b>	)	
Insurance Carrier	)	

**ORDER**

Claimant requested review of the November 14, 2014, Awards by Administrative Law Judge (ALJ) Pamela J. Fuller. The Board heard oral argument on March 20, 2015.

**APPEARANCES**

Stanley R. Ausemus, of Emporia, Kansas, appeared for claimant. Shirla R. McQueen, of Liberal, Kansas, appeared for respondent and its insurance carrier (respondent).

**RECORD AND STIPULATIONS**

The Board has considered the entire record and adopted the stipulations listed in the Award.

**ISSUES**

In Docket No. 1,060,802, the ALJ found that as a result of claimant's accidental injury of March 30, 2012, she sustained a 15 percent permanent impairment of function to her right shoulder. The ALJ denied future medical treatment.

In Docket No. 1,061,581, the ALJ found that as a result of claimant's accidental injury of May 24, 2012, claimant sustained a 6 percent permanent impairment of function to the left shoulder. The ALJ denied future medical treatment.

Claimant contends the ALJ erred by disregarding Dr. Brown's opinions for both injuries. In Docket No. 1,060,802, claimant argues she is entitled to a 13 percent permanent impairment of function to the body as a whole for her right shoulder and alleged

cervical injuries. In Docket No. 1,061,581, claimant argues she is entitled to a 13 percent permanent impairment of function to her left shoulder. Claimant also argues she is entitled to future medical treatment for both injuries.

Respondent argues claimant sustained only scheduled injuries. Respondent also contends that at the regular hearing, claimant stipulated she sustained only scheduled injuries, and claimant cannot now argue she sustained permanent impairment to the whole body.

Respondent also argues claimant did not prove she is entitled to future medical treatment. Respondent requests the Board affirm both of the ALJ's Awards.

The issues are:

1. What is the nature and extent of claimant's disability?
2. Is claimant entitled to future medical treatment?

#### **FINDINGS OF FACT AND ANALYSIS**

The findings of fact in these claims are very adequately set forth in the Awards. Those findings are adopted by the Board and incorporated by reference into this Order as though fully set forth. No purpose would be served by repeating the ALJ's findings of fact.

The Board agrees with the ALJ's conclusions regarding claimant's permanent impairment of function—15 percent permanent functional impairment to the right shoulder in Docket No. 1,060,802, and 6 percent permanent functional impairment to the left shoulder in Docket No. 1,061,581. The Board also agrees with the ALJ that claimant did not prove she is entitled to future medical treatment.

Claimant contends the ALJ erred by disregarding Dr. Brown's opinions. That contention is not borne out by the record. The ALJ considered all the evidence, including the opinions of Dr. Brown, as has the Board.

Respondent maintains claimant should be foreclosed from arguing she is entitled to a whole body disability in Docket No. 1,060,802. That issue is moot and will not be addressed by the Board.

#### **CONCLUSIONS**

1. In Docket No. 1,060,802, for an accidental injury on March 30, 2012, claimant sustained a 15 percent permanent functional impairment to the right shoulder. Claimant did not sustain a disability to the whole body. In Docket No. 1,061,581, for an accidental

injury on May 24, 2012, claimant sustained a 6 percent permanent functional impairment to the left shoulder.

2. Claimant is not entitled to future medical treatment.

**AWARD**

**WHEREFORE**, the Board finds the Awards of Administrative Law Judge Pamela J. Fuller dated November 14, 2014, are hereby affirmed in all respects

**IT IS SO ORDERED.**

Dated this \_\_\_\_\_ day of June, 2015.

\_\_\_\_\_  
BOARD MEMBER

\_\_\_\_\_  
BOARD MEMBER

\_\_\_\_\_  
BOARD MEMBER

c: Stanley R. Ausemus, Attorney for Claimant  
kathleen@sraclaw.com

Shirla R. McQueen, Attorney for Respondent and its Insurance Carrier  
smcqueen@sharpmcqueen.com  
dvalverde@sharpmcqueen.com

Honorable Pamela J. Fuller, Administrative Law Judge